

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:18-cr-9-TPB-SPF

GLENN FRANCIS,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on June 15, 2021. (Doc. 138). After a competency hearing and the review of stipulated reports, Judge Flynn recommends that the Court find Defendant to be presently suffering from a mental disease or defect rendering him incompetent to stand trial. Judge Flynn further recommends that the Court finds that there is not a substantial probability that in the foreseeable future, Defendant will attain the capacity to permit the proceedings to go forward. No objections were filed, and the time to object has expired. Upon review of the report and recommendation, court file, and record, the Court finds as follows:

Under the Federal Magistrates Act, Congress vests Article III judges with the power to “designate a magistrate judge to hear and determine any pretrial matter pending before the court,” subject to various exceptions. 28 U.S.C. § 636(b)(1)(A). The Act further vests magistrate judges with authority to submit proposed findings of fact and recommendations for disposition by an Article III judge. 28 U.S.C. § 636(b)(1)(B). After conducting a careful and complete review of the findings and recommendations,

a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982).

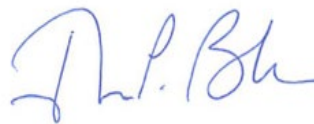
After careful consideration of the record, including Judge Flynn's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Flynn's well-reasoned findings and conclusions.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Flynn's report and recommendation (Doc. 138) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The Court finds Defendant is presently suffering from a mental disease or defect rendering him incompetent to stand trial. The Court further finds that there is not a substantial probability that in the foreseeable future, Defendant will attain the capacity to permit the proceedings to go forward.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 2nd day of August, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE